(1) (8)

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 2577 /2003

PETITIONERS

1. Nemsingh Thakur, son of Shri Beniram Thakur, aged about 34 years, occupation – U.D.T. Government H.S.S. Mangchawa, Distt. Durg, Tribal Welfare Department, resident of Tilda, PO Tamora, Tah. Gunderdehi, Via Anda, Distt. Durg (Chhattisgarh).

2. Shatrughan Lal Dhurandhar, son of Shri S.R. Dhurandhar, aged about 35 years, occupation – Upper Division Teacher, Tribal Welfare Department Resident Pingal Distt. Durg. (Chhattisgarh)

3. Udit Ram Deshlahore, son of Shri Dashrath Deshlahore, aged about 34 years, occupation U.D.T. Tribal Welfare Department, Government H.S.S. Sahgaon, Distt. Durg (Chhattisgarh).

4. Dilip Ram Devhare, son of Shri Jhaggar Singh Devhare, aged about 36 years occupation U.D.T. Resident Government H.S.S. Sahgaon, Distt. Durg (Chhattsigarh)

5. Shri Kailash Chndra, Mahobia, son of Shri Motilal Mahobia, aged about 39 years, occupation U.D.T. Tribal Welfare Department, Government Middle School Gorka Distt. Durg (Chhattisgarh) resident block Dandilohara, Distt. Durg (CG)

6. Raghunath Singh Maravi, son of Shri Kushal Singh, aged about 38 years, occupation U.D.T. School Education Department, Government H.S. School Koshmandi, Distt. Raipur (C.G.)

P. R. No. 23357 dated 16.06.03 Presented by Shri S.Jain

(2) (6)

VERSUS

RESPONDENTS

1. State of Chhattisgrh, through : School Secretary, Department of Higher Education, D.K.S. Bhawan, Raipur (Chhattisgarh).

2. Commissioner, Department of Tribal Welfare, Raipur (Chhattisgarh).

3. Commissioner, Publication and Instructions, Raipur (Chhattisgarh)

Amended as per Court order dated 21.3.06

Date 22.3.06

Affested
22/3/06
D.A. (C)

WRIT PETITION ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF CERTIORARI / MANDAMUS

(67)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2577 of 2003

Petitioner: Nemsingh Thakur and others

Versus

Respondents: State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Smt. Uma Patel, counsel for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the Respondents.

ORAL ORDER

(23rd March, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. By this petition under Article 226/227 of the Constitution of India the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointments in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in O.A. No. 1452/98 (Harish Chand Singh & others Vs. State of M.P. & others) dated 31.1.2000, O.A.No. 802/98 (Akhilesh Mishra & others Vs. State of Madhya Pradesh & others) and O.A.No. 991/98 (Ramayan Prasad Dwivedi & others Vs. State of M.P. & others).
2. Learned counsel for the petitioners placed on record a copy of the order dated 6.4.2005 passed by this Court in Writ Petition No. 1890/2003 (Chhattisgarh Shikchak Sangh Vs. State of Chhattisgarh & others) and submits that the petitioners are similarly situated, therefore the similar order may be passed.
3. The case of the petitioners is that they were appointed as Upper Division Teachers in the School Education Department on

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probation for a period of two years with the fixed salary. However, later on after completion of two years tenure the petitioners were regularized but they were not being given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated Upper Division Teachers but the respondents have not paid any heed, therefore they are forced to file this petition.

4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to the Respondent No. 1 to give similar treatment to the petitioners and the same pay scale which have been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31.1.2000, to which learned State counsel has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to the respondent No. 1, raising all their grievances and in turn the Respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in O.A. No. 1452/98, and if the petitioners stand on the same footings, as the

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petitioners in the O.A. No. 1452/98 then they be also sanctioned the same pay scale and seniority.

6. With the direction aforesaid, the petition stands disposed of finally. No order as to costs.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge

Thakur